



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 31, 1996

Mr. Ron M. Pigott  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR96-0123

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 37545.

The Department of Public Safety (the "department") received a request for "a list of all Texas Certified instructors as it relates to the required concealed handgun training course and a list of all current Texas concealed license holders." You state that the department is providing the requestor with a list of concealed handgun instructors. However, you claim that a list of current Texas concealed license holders does not exist and that, if it did exist, it would be excepted from disclosure under section 552.101 of the Government Code.

A governmental body has a duty to make a good faith effort to relate a request for information to information the governmental body holds. Open Records Decision No. 561 (1990) at 8. Further, the legislature recently amended chapter 552 of the Government Code to provide a procedure for a governmental body to provide a requestor information in the form requested. Gov't Code § 552.231. You have provided information to this office from which the requested information could be obtained. Therefore, before addressing whether the requestor is entitled to information in the form in which he has requested it, we will consider whether that information is excepted from disclosure under section 552.101.

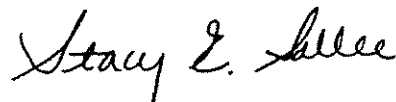
Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. The new concealed handgun law provides, in part:

The department shall, on written request and payment of a reasonable fee to cover costs of copying, disclose to any other individual whether a named individual or any individual whose full name is listed on a specified written list is licensed under this article. Information on an individual subject to disclosure under this section includes the individual's name, date of birth, gender, race, and zip code. Except as otherwise provided by this section and by Section 21 of this article, all other records maintained under this article are confidential and are not subject to mandatory disclosure under the open records law . . . except that the applicant or license holder may be furnished a copy of such disclosable records on request and the payment of a reasonable fee.

V.T.C.S. art. 4413(29ee), § 20. Section 21 provides for the department to make available on request and payment of a fee a statistical report that includes the number of licenses issued, denied, revoked, or suspended by the department during the preceding month, listed by age, gender, race, and zip code of the applicant or license holder. *Id.* § 21. Pursuant to the terms of the statute, if the requestor provided the department with a person's name, the department could disclose whether the individual is licensed under the concealed handgun law. However, the statute provides that "all other records" are confidential. Therefore, we conclude that this statute, as applied through section 552.101 of the Government Code, excepts the requested list of concealed handgun license holders from disclosure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee  
Assistant Attorney General  
Open Records Division

SES/ch

Ref.: ID# 37545

Enclosures: Submitted documents

cc: Mr. David Dushek  
187 N. Dreamweaver Circle  
The Woodlands, Texas 77380  
(w/o enclosures)